

REMARKS

Claims 1-3 are pending.

The drawings stand objected to for missing labels.

Claim 1 stand objected to for informalities.

Claim 1 stands rejected for obviousness v. Hartner in view of Wasilewski.

Claim 2 stands rejected for obviousness v. Hartner in view of Wasilewski, in further view of Ewert.

Claim 3 stands rejected for obviousness v. Hartner in view of Wasilewski, in further view of Lundsgaard.

Claims 1-3 are currently amended to clarify terminology and differences between this application and the cited references so as to put the claims in condition for allowance.

Basis for Amendments:

The specification is amended to correct certain translation errors and to improve clarity.

The amended claims language describing the circuitry has basis in the original claims, specification, and in FIG 1. That at least one of the sensors is intended to detect a collision has basis in the original paragraph 2, lines 3-7; paragraph 6, lines 1-5; paragraph 7, lines 1-3, for example. The isolation diode has basis in original FIG. 1.

Applicant submits that these amendments are clarifications of material already present or inherent in the original application and do not represent new matter.

In response to the Office Action:

Regarding Item , the objection to the drawings:

A replacement sheet for FIG. 1, having descriptive legend, is attached. Reconsideration of the objection is respectfully requested.

Regarding Item 2, the objection to claim 1:

Claim 1 is amended to address Examiner's suggestions regarding informalities.

Reconsideration of the objection is respectfully requested.

Regarding Items 3-4, the objection to Claim 1 for obviousness v. Hartner in view of Wasilewski:

Applicant has carefully considered the Office Action, and respectfully traverses Examiner's arguments that claims 1-3 of the instant invention are obvious v. Hartner in view of Wasilewski, for several reasons that the claims have been amended to clarify.

Obviousness rejection requires that the cited references, in combination, contain *all* of the elements and limitations of the instant invention. In addition there must be a “clear and particular” suggestion to combine the references in a manner that would produce the instant invention.

Firstly, Applicant respectfully submits that Hartner in view of Wasilewski lacks several elements and/or limitations present in currently amended claim 1 of the instant invention. For example, the instant invention has:

- a) at least one collision sensor;
- b) a controller adapted for determining that a collision has occurred; and
- c) a standby battery supply, connected in parallel to the primary battery by an isolation diode.

Examiner argues that it is obvious to combine the back-up battery of Wasilewski to the system of Hartner. However, this would not produce the above listed features of the instant invention:

- a) Hartner discloses a thermal (road surface) detection sensor 12, and a vehicle speed sensor 26 (see FIG. 1-2, for example), but no *collision* sensor. In fact, since the purpose of Hartner is to detect the presence of an object that might cause a collision to happen in the first place (see col. 1, lines 6-9; and col. 2, lines 3-14; for example), there would be little point in having a collision sensor to say, in effect, “oops, the system didn’t work after all”.
- b) Hartner has a controller with a decision tree (FIG. 3) adapted for *warning of an object in the “blind spot”* when the vehicle is moving; this is very different, however, from determining if a collision has occurred, as in the instant invention.
- c) the back-up battery of Wasilewski is not connected in parallel to the primary battery, but is located in a different part of the circuit (see FIG. 2B, 2C, for example). In addition, the back-up battery of Wasilewski is not *continuously available*, as in the instant invention, but rather *must be activated* by the controller through connection PB5 before becoming operational (see col. 6, lines 62-67, for example).

Secondly, the motivation cited by Examiner is not meaningful. A person of ordinary skill in the art would realize that there would be no benefit in having a back-up battery, in the system of Hartner, for use after a collision (as in Wasilewski), since the purpose of Hartner, as noted above, is to detect the presence of objects that might *lead* to a collision in the first place. After the collision is not meaningful in Hartner.

Applicant respectfully submits that the combination, of Hartner in view of Wasilewski, does *not* have all the elements and limitations of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention. In addition, a meaningful suggestion is absent.

Reconsideration of the objection is respectfully requested.

Regarding Item 5 the rejection of claim 2 for obviousness v. Hartner in view of Wasilewski in further view of Ewert:

First, the instant invention has a manual alert switch *configured at the driver's side*. The manual switch 32 of Ewert is a *foot floor switch* 32 (see FIG. 1; also col. 4, lines 27-29; and col. 7, lines 46-54; for example. As such, Ewert does not have the correct limitation, as in the instant invention.

Moreover, there is no suggestion to relocate the foot floor switch to a position at the driver's side. Given the particular function of the foot floor switch in Ewert (col. 7, lines 46-54; for example) it would not be obvious, and would change the functionality, to move the switch from the floor.

Applicant respectfully submits that the combination of Hartner in view of Wasilewski in further view of Ewert, does *not* have all the elements and limitations of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention. In addition, an adequate suggestion is lacking.

Second, a dependent claim cannot be obvious if the base claim is not obvious, as was shown above to be the case.

Applicant respectfully submits that the combination of Hartner in view of Wasilewski in further view of Ewert does *not* have all the elements and limitations of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the

instant invention. In addition, an adequate suggestion is lacking. Especially given the change in functionality involved, a “clear and particular” suggestion to combine in a manner so as to produce the instant invention is both strongly required and totally absent.

Reconsideration of the obviousness rejection of is respectfully requested.

Regarding Item 6, the rejection of claim 3 for obviousness v. Hartner in view of Wasilewski in further view of Lundsgaard:

A dependent claim cannot be obvious if the base claim is not obvious, as was shown above.

Applicant respectfully submits that the combination of Hartner in view of Wasilewski in further view of Lungagaard does *not* have all the elements and limitations of the base claim 1 of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention.

Reconsideration of the obviousness rejection of is respectfully requested.

Applicant believes that this amendment answers all instances in which the Examiner rejected or objected, and that the amendment places all remaining claims in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for issue. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 358-0489.

Respectfully submitted,



Ralph H. Willgoths

Registration Number: 48,800